

Notice of Allowability

Application No.

10/821,548

Applicant(s)

BATEMAN ET AL.

Examiner

Bernard E. Souw

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/09/2006.
2. ☒ The allowed claim(s) is/are 63,64,66-71 and 73-120.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 11/09/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Applicant's Amendment

1. The Amendment filed 11/08/2006 has been entered. The present Office Action is made with all the arguments being fully considered.

Claims 1-58, 65 and 72 have been cancelled.

Claims 59-62 and 121-124 have been previously withdrawn.

Claims 63, 64, 66-71 and 73-120 remain pending in this office action.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Great Britain on 04/10/2003. It is noted, however, that applicant has not filed a certified copy of the British application (GB 0308278.1) as required by 35 U.S.C. 119(b).c.

Information Disclosure Statement

3. Receipt is acknowledged of information disclosure statement (IDS) submitted on 11/09/2006. The submission is in compliance with the provisions of 37 CFR 1.97.

A signed copy of the information disclosure statement is here enclosed.

ALLOWANCE

4. Claims 63, 64, 66-71 and 73-120 are allowed.

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The allowed claims are subsequently renumbered to claims 1-56 by the examiner.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The pertinent prior art does not teach or reasonably suggest a method of mass spectrometry comprising the steps of wherein *"calculating a respective error band for the determined mass to charge ratio of each of said n different species of ion, wherein calculating comprises estimating a systematic error in the determined mass to charge ratio of each of n different species of ion, and the probability or confidence that the real, true, actual or accepted mass to charge ratio of each of said n different a species of ion falls within its respective calculated error band is greater than or equal to x%, wherein x is > 50,"* as recited in present claim 63.

Claims 64, 66-71 and 73-120 are also allowed because of their dependencies, either directly or indirectly, upon claim 63.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Communications

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw, Ph.D., whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571 272 2312. The central fax phone number for the organization where this application or proceeding is assigned is 571 273 8300 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 5993.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bes
December 06, 2006


NIKITA WELLS
PRIMARY EXAMINER

12/08/06